

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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|--------------------------|---|--------------|
| PETRINA SMITH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 19-1348C |
| |) | Judge Roumel |
| UNITED STATES OF AMERICA |) | |
| |) | |
| Defendant. |) | |
| |) | |

THE PARTIES' THIRD JOINT MOTION TO AMEND THE PRE-CONDITIONAL
CERTIFICATION DISCOVERY AND MOTION BRIEFING SCHEDULE

Pursuant to Rules 6(b) and 6.1 of the Rules of the United States Court of Federal Claims (RCFC), plaintiff, Petrina Smith, and defendant, the United States of America, respectfully submit this joint motion to amend the pre-conditional certification discovery and motion briefing schedule, by requesting a 90-day enlargement of time to the current schedule.

This is our third request for an enlargement of time for this purpose. Good cause exists for this motion. We previously requested, and the Court granted, 63-day and 90-day enlargements of time for this purpose (ECF. No's. 17 and 19). The current conditional certification deadlines are as follows: (ECF No. 19)

| Case Event | Scheduled Date |
|---|------------------|
| Deadline to Complete Pre-Conditional Certification Discovery | December 2, 2020 |
| Plaintiff's Deadline to File Motion for Conditional Certification | December 9, 2020 |
| Defendant's Deadline to File its Opposition to Plaintiff's Motion for Conditional Certification | January 7, 2021 |
| Plaintiff's Deadline to File her Reply in Support of Motion for Conditional Certification | January 21, 2021 |

Although the United States Veteran's Administration (VA) service center responded to

defendant's time and attendance record request on October 16, 2020, defendant has been unable to produce the agreed upon supplemental production to plaintiff due to delays in receipt of the correct time and attendance records from the agency. However, on November 19, 2020, the agency provided Government's counsel with the time and attendance records. Government counsel will review the time and attendance records and anticipates producing those records to plaintiff by December 11, 2020.

Additionally, plaintiff has noticed the deposition of defendant's Labor Relations Manager, identified in defendant's Rule 26 initial disclosures, and a 30(b)(6) deposition. The parties have agreed that plaintiff will re-notice the depositions for a mutually agreeable time following plaintiff's receipt of defendant's supplemental production and responses. The requested enlargement of time will allow time for defendant to supplement its discovery responses and production, for plaintiff to re-notice and take the depositions, and for plaintiff to receive the necessary discovery prior to briefing her motion for conditional certification. The parties also respectfully propose that within 14 days after the Court issues a decision regarding plaintiff's motion for conditional certification, the parties shall file a joint status report providing a proposal for further proceedings. Thus, the parties have agreed and respectfully propose the following revised schedule:

| Case Event | Current Date | Proposed Date |
|---|---------------------|----------------------|
| Deadline to Complete Pre-Conditional Certification Discovery | December 2, 2020 | March 2, 2021 |
| Plaintiffs' Deadline to File Motion for Conditional Certification | December 9, 2020 | March 9, 2021 |
| Defendant's Deadline to File its Opposition to Plaintiff's Motion for Conditional Certification | January 7, 2021 | April 7, 2021 |
| Plaintiff's Reply in Support of her Motion for Conditional Certification | January 21, 2021 | April 21, 2021 |

Therefore, in light of the anticipated timeframe for the pending supplemental production responsive to plaintiff's discovery requests, the parties respectfully request that the Court extend

the deadlines for completing pre-conditional certification discovery and motion briefing by 90 days.

Respectfully submitted

/s/ David R. Markham

David R. Markham
Maggie Realin
Lisa Brevard
The Markham Law Firm
750 B Street, Suite 1950
San Diego, CA 92101
Telephone: (619) 399-3995
Facsimile: (619) 615-2067

JOSEPH H. HUNT
Assistant Attorney General

Walter Pennington
Pennington Law Firm
3302 30th Street
San Diego, CA 92104
Telephone: (619) 940-6157
Stephen B. Morris
The Law Offices of Stephen B. Morris
444 West C Street, Suite 300
San Diego, CA 92101
Telephone: (619) 239-1300
Facsimile: (619) 374-7082

ROBERT E. KIRSCHMAN, JR.
Director

/s/ REGINALD T. BLADES, JR.
REGINALD T. BLADES, JR.
Assistant Director

/s/ RAFIQUE O. ANDERSON
RAFIQUE O. ANDERSON
Trial Attorney
Commercial Litigation Branch
Civil Division
Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Tel: (202) 305-3274
Fax: (202) 514-7965
Rafique.Anderson@usdoj.gov

Of Counsel
Robert Vega
Staff Attorney
Personnel Law Group
U.S. Department of Veterans Affairs

Office of General Counsel
P.O. Box 1427
Hines, IL 60141
Tel: 708-202-5210
Cell: 202-873-5202

Attorneys for Plaintiff

Attorneys for Defendant

November 20, 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November 2020, the foregoing *The Parties' Third Joint Motion To Amend The Pre Conditional Certification Discovery And Motion Briefing Schedule* was electronically filed with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record who have enrolled and registered for receipt of filings via the Court's ECF system.

/s/ Leeanna Carcione